

After reviewing the entire record, the Appeals Board finds as follows:

The Order of the Administrative Law Judge should be modified to include the attorney's out-of-pocket expenses.

In July 1994 the claimant retained the Barnett Law Firm to represent him in a workers compensation claim arising from an April 1994 accident. Before being discharged from the proceeding, the law firm expended 4.85 attorney hours and 18.01 staff hours working on claimant's behalf and performing such services as serving written claim on the respondent, filing claimant's Application for Hearing, obtaining wage information, requesting and obtaining change of treating physician, submitting medical bills and mileage for payment, among other services. In addition, considerable time was spent attempting to obtain the proper amount of compensation from both the respondent and insurance carrier for the period that claimant was working on light-duty status.

Although the Appeals Board finds claimant and his wife provided valuable help and assistance to the Barnett Law Firm regarding this claim, we also find that the law firm provided valuable services to the claimant in its attempt to protect and further claimant's rights. Claimant's allegation that the law firm expended unnecessary time and had to duplicate its efforts because of lost paperwork and personnel changes is not supported by any evidence and, in fact, is denied by the firm.

After a hearing held on January 4, 1996, the Administrative Law Judge awarded the law firm fees in the sum of \$1,309.80. Because the Judge is considered an expert in the matters before him and is aware of the value of the services rendered by those attorneys who practice before him and because the Appeals Board finds that the fee of \$1,309.80 is not unreasonable in light of the total time expended and the services rendered by the law firm, the Appeals Board finds the fee awarded by the Administrative Law Judge to be appropriate and that it should be approved. The Barnett Law Firm is not entitled to additional fees relating to the check for benefits received from the insurance carrier in the sum of \$74.74.

The Appeals Board also finds that the law firm is entitled to reimbursement of expenses in the total sum of \$28.61 which represents allowed photocopy expense at 25 cents per copy in the sum of \$11.00, postage expense reimbursement in the sum of \$14.61, and facsimile expense in the sum of \$3.00. As indicated by K.S.A. 44-536, attorneys are permitted to recover the expenses they incur in workers compensation proceedings.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Robert H. Foerschler dated January 4, 1996 should be, and hereby is, modified; that the Barnett Law Firm is entitled to an attorney fee in the sum of \$1,309.80 and reimbursement of expenses in the sum of \$28.61; and that the Barnett Law Firm is hereby granted a lien on the proceeds of claimant's award for only those amounts.

IT IS SO ORDERED.

Dated this ____ day of April 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Harding Bernard Harris, Pro Se
 Kathryn P. Barnett, Kansas City, KS
 Kenneth Hursh, Overland Park, KS
 Robert H. Foerschler, Administrative Law Judge
 Philip S. Harness, Director